REMARKS

Claims 1-5 are pending in the application.

Claims 1-5 stand rejected.

Formal Matters

Applicants wish to express their gratitude for the Examiner's having identified with greater specificity the subject matter that is posited as not being properly described in the application as filed, and for providing an explanation of the Examiner's position in this regard, per MPEP 706.03(c).

Rejection of Claims under 35 U.S.C. §112

Claims 1-5 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

As an initial matter, Applicants respectfully submit that they are at a loss as to the Office Action's mandate that support be found at pp. 4-5, as well as p.2 and p. 6. As noted in earlier communications with the Office, Applicants are unable to find a basis in the MPEP, the relevant rules or the relevant statues that mandate support for claim language be limited to portions of an application as delineated by an Office Action. Applicants are unaware of any requirement that would limit the written description of the invention to specific portions of the disclosure. Applicants note 37 CFR 1.77(b) for the proposition that the specification includes the sections listed herein. Thus, Applicants respectfully submit that they are free to rely on any portion of the specification to demonstrate support for language used in the claims, and therefore, Applicants respectfully submit that the claims are in compliance with 35 U.S.C. §112. To this end,

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Applicants respectfully request that a basis for such a requirement in the MPEP, the relevant rules or the relevant statues be elucidated, in order for Applicants to appropriately respond to the posited requirements.

Notwithstanding the foregoing, Applicants respectfully reiterate that every feature of the claimed invention finds support in the specification. As noted previously, the features of the claim 1 find support in the specification in at least the following locations: Estimating an expected component surplus: see page 4, lines 22-24; Identifying a plurality of components required to produce a product: see page 5, line 3; Defining a vector of connect rates for the components: see page 6, lines 1-10; Defining an uncancelable level for each of the components: see pages 4 and 5; Assuming that a selected one of the components is available at least at an uncancelable level of the uncancelable levels corresponding to the selected one of the components: see page 2 line 22 to page 3 line 7; Computing the expected component surplus for the selected component using a mean production for the product, the uncancelable level and the vector connect rates: See page 6, lines 1-10.

However, the Office Action posits the following infirmities:

"Regarding claim 1, lines 5-8, do not have support from the specification. Applicant REMARKS have been reviewed, but are not convincing. Applicant's disclosure, e.g., pages 4 and 5, does not disclose these limitations. It is noted Applicant's page 2, lines 22-28, does support the claim 1, line 5-8, recitations.

However, Applicant's disclosure, i.e. page 5, lines 15-17, contradicts these recitations. Thus, the Examiner does not see clear support for the claim 1, lines 5-8, claim language.

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Also, claim 3, lines 4-6, the phrase "wherein...the components" does not have support form the specification, e.g. page 2, line 22 to page 3, line 10. Applicant REMARKS have been reviewed, but are not convincing. Applicant is invited to specifically point out where support for the offending language may be found.

It is noted that claim 1, lines 4 and 12-15, are admitted prior art. Applicant's own admission via the present applicant, i.e. page 6, lines 1-10, discloses such.

Likewise, claim 5, line 3, per Applicant's disclosure, i.e. page 6, lines 1-10, is deemed admitted prior art." (Office Action, pp. 2-3, para. 4)

Applicants respectfully maintain that, in fact, claims 1, 3 and 5 are fully supported by the present specification.

Claim 1 recites, in pertinent part (lines 5-8):

> defining an uncancelable level for each of the components, each of the uncancelable levels defining a quantity of the each of the components below which the quantity of the each of the components cannot be liquidated without incurring a charge;

Applicants' specification, at p. 2, lines 22-28, reads:

"An embodiment of the present invention includes a method for the computation of surplus components. For this method, a planner first identifies each component required to produce a product. For each component, the planner defines a planned level and an uncancelable level. The planned level for a component is the quantity at which the component is expected to be available. *The uncancelable level for a component is the quantity of the component that cannot be liquidated without charge.* The planner also defines a vector of connect rates for the components." (Specification, p. 2, lines 22-28; Emphasis supplied)

Applicants agree that the foregoing portion of the present Specification does support the claim language at issue. However, Applicants respectfully submit that the portion of the present Specification cited in the Office Action and said to contradict this passage, does not. The cited portion of the Specification reads:

"For each component i, the value d_i (referred to above as component allocations) represents the maximum number of that is available (i.e. the expeditable amounts specified for the mean production computations). In many cases, positioned components may be returning or canceled. In these cases, only the uncancelable portion is subject to erosion. *As part of step 202, the user enters (or otherwise inputs) a value d_i^0 to represent the uncancelable portion of each component of interest. For each component i, the quantity $d_i - d_i^0$ represents the number that can be liquidated or returned at no cost.* For some components, return or liquidation of any amount has an associated cost. For each component i,

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of this type the value d_i^0 is equal to d_i." (Specification, p. 5, lines 11-18;

Emphasis supplied to show the portion cited in the Office Action)

The highlighted portion of the above passage is in no way in contravention of the earlier-cited portion of the specification, and is, in fact, in harmony therewith. The above passage simply states that the number of components that can be returned at no cost is the number of components minus the number of components that <u>cannot</u> be returned at no cost (i.e., the component's uncancelable level). In fact, the sentence following the highlighted portion in the above passage recognizes that the number of components that can be returned at no cost may be zero (i.e., there is a cost associated with returning <u>any</u> of the components). Applicants therefore respectfully submit that this passage is merely demonstrating the use of the uncancelable level, and is in complete agreement with the aforementioned portion of the Specification.

Claim 3 recites, in pertinent part (lines 4-6):

"...

assuming that each of the remaining ones of the components is available at the planned *level corresponding to the each of the remaining ones of the components, wherein the remaining ones of the components are ones of the components other than the selected one of the components.*" (Emphasis supplied to show the portion cited in the Office Action)

Applicants respectfully submit that the portion of the present Specification cited in the Office Action supports the foregoing claim limitations. The cited portion of the Specification reads, in pertinent part:

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"An embodiment of the present invention includes a method for the computation of surplus components. For this method, a planner first identifies each component required to produce a product. For each component, the planner defines a planned level and an uncancelable level. The planned level for a component is the quantity at which the component is expected to be available. The uncancelable level for a component is the quantity of the component that cannot be liquidated without charge. The planner also defines a vector of connect rates for the components.

After the required data has been entered, an expected surplus is computed for each component. To compute a component's expected surplus, the component is assumed to be available at its uncancelable level. The remainder of the components are assumed to be available at their respective planned levels. The mean production for the component is computed and used, along with the uncancelable level the selected component and the vector of connect rates to compute the component's expected surplus. This computation is repeated for all components in turn.

The expected component surpluses can then be used to compute the expected erosion cost per component and the total erosion cost for all components." (Specification, p. 2, line 22 to p. 3, line 10)

The above passage simply states that the planned level for a component is the quantity at which the component is expected to be available, and that each component is assumed to be

available at its respective planned level, save for the component having its expected surplus computed. For the component having its expected surplus computed, the component is assumed to be available at its uncancelable level.

The language recited in the claim tracks the foregoing language almost verbatim. The selected component is assumed to be available at at least at an uncancelable level of the uncancelable levels corresponding to the selected one of the components. (Claim 1) The remainder of the components are assumed to be available at their respective planned level (the remaining components being those components other than the selected component). (Claim 3) Applicants therefore respectfully submit that this passage fully supports both claims 1 and 3..

The Office Action next states that:

"It is noted that claim 1, lines 4 and 12-15, are admitted prior art. Applicant's own admission via the present applicant, i.e. page 6, lines 1-10, discloses such." (Office Action, p. 3, para. 4)

The cited portion of claim 1 recites:

"...
defining a vector of connect rates for the components;
...
computing the expected component surplus for the selected component using a
    mean production for the product, the uncancelable level and the vector of
    connect rates, wherein
        the computing is performed by a computer."

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The cited portion of the present Specification reads:

"In step 210 the component levels specified in steps 206 and 208 (i.e., d_i^0

for component i and d_i for all other components) are used to compute an

expected mean production q_i^0 for a specified planning period. In general, there

are several methods, such as Monte Carlo simulation that may be used to perform

this computation. Preferably, but not necessarily, the method disclosed in the

related application "Method and Business Process for the Estimation of Mean

Production for Assemble-To-Order Manufacturing Operations." (Specification, p.

6, lines 1-10)

As an initial matter, Applicants fail to discern how the cited portion of the Specification

amounts to an admission that "defining a vector of connect rates for the components" exists in

the prior art (cited or otherwise). Not only are Applicants unable to locate disclosure of such in

the cited references, Applicants do not believe that such disclosure would be found, and so

respectfully maintain that this limitation is indeed novel.

As to the limitations recited at lines 12-15 of claim 1, the above passage merely indicates

that there are known methods that can be employed to perform the claimed computation.

However, given that such computation takes novel factors as its input (e.g., the uncancelable

level and the vector of connect rates), the fact that a known computation may be used fails to

make the claimed computation "admitted prior art."

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As to the effect of this passage on line 3 of claim 5, Applicants respectfully note that the cited portion of claim 5 reads:

"...

estimating the mean production for the product." (Emphasis supplied)

Applicants respectfully note that the passage cited in the Office Action (and repeated above) fails to mention any method for *estimating* any value, and so, even if the passage is taken to admit some sort of prior art (which Applicants do not necessarily conceded), the estimation of a mean production for a product is by no means admitted as prior art thereby.

Accordingly, Applicants respectfully request withdrawal of the rejection based on 35 U.S.C. §112.

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CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be

in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues

remain that might be subject to resolution through a telephonic interview, the Examiner is invited

to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 9, 2006.
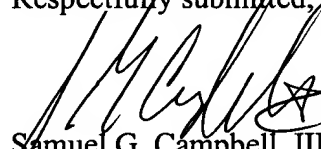
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